

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): LABRIE, et al
US APPLN. SERIAL NO.: 09/786,305
INT. APPLN. NO.: PCT/US99/13592
INT. FILING DATE: 16 JUNE 1999
TITLE: APPARATUS FOR DEPLOYING AN AIR BAG
THROUGH A HARD PANEL
PCT LEGAL ATTN ADVISOR: JAMES THOMSON
DOCKET: TRM DV2539

BOX PCT
ATTN: PCT LEGAL OFFICE
Commissioner for Patents
Washington, D.C. 20231

THIRD RENEWED PETITION UNDER 37 CFR 1.47(a)

Dear Sir:

Applicant files a Renewed Petition under 37 CFR 1.47(a) to accept filing when one inventor refuses to sign (Vernon S. Daniels) and one inventor cannot be found (John J. Kennedy). The fee set forth in 37 CFR 1.17(i) is enclosed. A Petition for a Three Month Extension of Time to respond to the Second Decision on Petition Under 37 CFR 1.47(a), mailed August 29, 2002, accompanies this Petition.

Applicant would first like to address Vernon S. Daniels. To be clear, with respect to Mr. Vernon S. Daniels, this Renewed Petition seeks an acceptance for filing under the provisions of 37 CFR 1.47 on the grounds that Vernon S. Daniels has refused to sign.

The facts concerning this matter are as follows:

1. Mr. Vernon Daniels was an employee of the assignee of this application.
2. Upon checking with the assignee/employer, Mr. Vernon Daniel's phone number was made available to the undersigned. On or about November 7, 2001 Mr. Vernon Daniels, who was previously supplied by the assignee/employer with the application papers,

Adjustment date: 12/18/2003
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was contacted by phone and asked if he would review the application papers (specification, including claims, drawing and oath/declaration) and sign such papers. Mr. Daniels refused.

3. In addition, subsequent to the above (February 6, 2002) the undersigned contacted the assignee/employer, and was advised that the address left by Mr. Vernon S. Daniels was 160 Channes Circle, Brooklyn, Michigan 49230. This is the address that Mr. Daniels provided the assignee, and which appears on the corresponding PCT/US99/13592. Therefore, the undersigned attempted a second time (notwithstanding the earlier phone call refusal) to again try to have Mr. Daniels review the application papers (specification, including claims, drawings and oath/declaration) and obtain his signature. This time, the mail addressed to Mr. Daniels was forwarded to 2675 Greenstone Dr., #908, Auburn Hills, MI 48326. However, Mr. Daniels had apparently moved again, and elected not to provide a forwarding address for 908 Auburn Hills, MI 48326, and the mail was returned to the undersigned.

4. It is difficult to imagine a more bona fide attempt to obtain the signature of Mr. Vernon S. Daniels. An express and unambiguous refusal to sign by Mr. Vernon S. Daniels was communicated, to the undersigned, on November 7, 2001. The undersigned has firsthand knowledge of this matter (the undersigned heard Mr. Daniels say that he refused to sign) and such refusal is therefore confirmed by a person having firsthand knowledge of the facts. It is therefore respectfully submitted that the provisions of MPEP 409.03(d) have been fully satisfied and all requirements to accept filing with respect to Mr. Daniels under 37 CFR 1.47(a) have simultaneously been fully satisfied.

5. Turning next to the situation regarding Mr. John J. Kennedy, the undersigned notes that with respect to Mr. John J. Kennedy, the instant petition seeks filing under the circumstances where Mr. John J. Kennedy cannot be reached after diligent effort to reach Mr. John J. Kennedy. The pertinent facts are as follows, and are offered herein by the undersigned, who attests firsthand knowledge of their accuracy.

6. The inventor, Mr. John J. Kennedy, was an employee of the assignee of the application, Textron Automotive Company. The address that Mr. John J. Kennedy provided to Textron Automotive Company was 920 Irving, Royal Oak, Michigan. Mr. John J. Kennedy is no longer employed by Textron Automotive Company.

7. On March 25, 2002 the undersigned forwarded to Mr. John J. Kennedy's last known address a copy of the application papers. The United States Postal Office advised the

undersigned that Mr. John J. Kennedy was no longer at 920 Irving, Royal Oak, Michigan, and left no forwarding address. **See attached Exhibit A.**

8. Notwithstanding the above, an internet search was run to see whether or not Mr. John J. Kennedy could be located. **See attached Exhibit B.** According to the internet search in the entire State of Michigan, there is one (1) individual with the specific name of *John J. Kennedy*. The undersigned then contacted by telephone the John J. Kennedy listed in the internet search and found that he is not the John J. Kennedy previously employed by the assignee, Textron Automotive Company Inc.

9. The undersigned then ran an internet search with other possible name/initial combinations and found the following results:

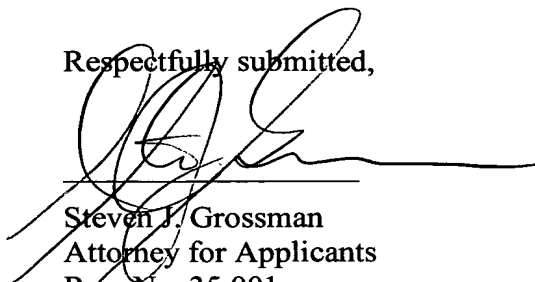
- **J. J. Kennedy** – two (2) located, each were contacted and directly told the undersigned that they were not the John Kennedy previously employed by Textron Automotive
- **John Kennedy** – ninety-three (93) names from the search results. Of these, forty-one (41) could be eliminated due to different middle initials, which left fifty-two (52) who could be the missing inventor.
- **J. Kennedy** – two hundred fifty (250) names from this search result.
- **Jack J. Kennedy** – fifteen (15) of which six (6) could be eliminated due to different middle initials. This left nine (9) and each were contacted and directly told the undersigned they were not the John Kennedy previously employed by Textron Automotive

10. It is respectfully submitted that under the circumstances, the undersigned has made a diligent effort to reach Mr. John J. Kennedy, without success. MPEP 4009.03(d). In addition, as previously noted, the undersigned notes that Mr. John J. Kennedy and Mr. Vernon Daniels were previously under the employ the Assignee of this application and had an obligation of assignment to Textron Automotive Company of this National Stage Application and the undersigned has previously made of record the executed General Power of Attorney of the priority PCT Application No. PCT/US99/13592.

Under the circumstances, Applicants therefore again respectfully submit that the requirements of 37 CFR. 1.47(a) have been fully satisfied with respect to Mr. Daniels and Mr. Kennedy, and the present application be accepted for United States National stage

processing without the signatures of co-inventors Daniels and Kennedy.

Respectfully submitted,



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Reg. No. 35,001

Grossman, Tucker, Perreault & Pfleger, PLLC

55 South Commercial Street

Manchester, New Hampshire 03101

CERTIFICATE OF EXPRESS MAILING

“Express Mail” Mailing Label No.: EV 201 003 216 US

Date of Deposit: January 29, 2003

I hereby certify that this paper and the papers listed thereon are being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 CFR 1.10 on the date indicated above, and is addressed to BOX PCT – ATTN: PCT LEGAL OFFICE, Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing: Carol McClelland

Name of person mailing: Carol McClelland

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